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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,576	11/06/2000	Charles L. Magness	55382-3	9656
<div>7590 C. Rachal Winger K&amp;L Gates LLP Suite 2900 925 Fourth Avenue Seattle, WA 98104</div>				
04/28/2009				
EXAMINER				
SKIBINSKY, ANNA				
ART UNIT		PAPER NUMBER		
1631				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

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The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09707576	11/6/2000	MAGNESS ET AL.	55382-3

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## EXAMINER

ANNA SKIBINSKY

ART UNIT	PAPER
1631	20090415

DATE MAILED:

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Commissioner for Patents

Applicants have submitted an Information Disclosure Statement (IDS) on 3/6/2009 which is after the Appeal Brief filed 11/05/2009. An IDS submitted in an application that is under appeal, as in the instant application, is not considered by the Examiner. See MPEP section 706.07(h) section "II. Submission Requirement".

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Skibinsky whose telephone number is (571) 272-4373. The examiner can normally be reached on 8 am - 5:30 pm.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.  
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anna Skibinsky

/Lori A. Clow/  
Primary Examiner, Art Unit 1631